UNITED STATES BISTRICY-04956-SJF-AKT Document 41 Filed 01/09/19 Page 1 of 1 Page 1 EASTERN DISTRICT OF NEW YORK Date Filed: 9/17/2018

ATTORNEY(S) GALLO VITUCCI KLAR LLP

PH: (212) 683-7100

Court/Return Date:

100 CROSSWAYS PARK WEST, STE 305 WOODBURY, NY 11797 |

"John Doe" a fictitious name

Plaintiff

VS

Cory Maier et al

Defendant

STATE OF NEW YORK, COUNTY OF NASSAU, SS.:

AFFIDAVIT OF SERVICE

Nasser Atrash, being sworn deposes and states that, the Deponent is not a party herein, is over the age of 18 years and resides in the State of New York.

That on 11/1/2018, at 11:27 AM at 121 Allenwood Road, Great Neck, NY 11023, Deponent served the within Summons in a Civil Action and First Amended Complaint, with the index number and the filing date of the action were endorsed upon the face of the papers so served herein. On: Michael Smolens, Defendant therein named, (hereinafter referred to as "subject").

By delivering thereat a true copy of each to "JANE DOE" (refused name) a person of suitable age and discretion.

Said premises is subject's dwelling house (usual place of abode) within the state. A description of "JANE DOE" (refused name) is as follows:

> Sex: Female Color of skin: Black Color of hair: Black Age: 35 Height: 5ft4in-5ft8in Weight: 131-160 Lbs. Other Features: Glasses

On November 2, 2018, service was completed by mailing a true copy of the above stated document(s) to Michael Smolens at the above stated address in a First Class postpaid properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

I asked the person spoken to, on whether the subject was in active military service or financially dependent upon any one who is in the military service of the United States or of the State of New York in any capacity whatever and received a negative reply. The source of my information and belief are the conversations above narrated. Upon that information and belief I assert that the recipient is not in the military service of New York State or of the United States as that term is defined in either the State or in Federal statutes.

Sworn to before me on November 2, 2018

atricia Rothfritz

NOTARY PUBLIC STATE OF New York No. 01R06055503, Qualified in Nassau County Commission Expires February 26, 2019

Client's File No.: MISC-2018-9

Process Server, Please Sign

Nasser Atrash

Lic#

Job #: 1831230